

RECEIVED  
CENTRAL FAX CENTER  
DEC 13 2006

U.S. Utility Patent Application 10/673,827; Docket No. 0342UR  
Second Declaration of Mathew R. Roth

December 7, 2006

**IN RE U.S. UTILITY PATENT APPLICATION FOR**  
**APPARATUS AND METHOD TO MANUFACTURE A LEAF DISPLAY DEVICE**  
**SERL. NO. 10/673,827 DOCKET NO. 0342UR**

**Second Declaration of Mathew R. Roth**

I, Mathew R. Roth, declare as follows:

1. My name is Mathew R. Roth. I am over eighteen years of age, suffer from no mental or physical infirmities which affect my capacity to testify and am otherwise competent by law and by personal knowledge to make this Declaration.

2. I am an individual whose address is 185 W. Hwy. 40 Barberville FL 32105, and a citizen of the United States of America.

3. I am an inventor of the Apparatus and Method to Manufacture a Leaf Display Device which is disclosed in U.S. Pat. App. Serl. No. 10/673,827 filed 9/29/2003.

4. I have been involved in the business of growing magnolias and making them into wreaths and garlands for the last ten years, during which time I've worked growing the magnolias as well as selling the finished products. I have served as General Manager (production and sales) during the last five years in the company at which I work.

5. My experience in the wreath and garland business indicates the aesthetic appeal of the pieces is one of the most important aspects valued by customers.

6. I first introduced the Apparatus and Method to Manufacture a Leaf Display Device to the market at the end of 2002.

7. The wreaths and garlands produced using the Apparatus and Method to Manufacture a Leaf Display Device very well accepted, and by 2005, all of our sales were pieces manufactured in accordance with the Apparatus and Method to Manufacture a Leaf Display Device.

RECEIVED  
CENTRAL FAX CENTER  
DEC 13 2006

U.S. Utility Patent Application 10/673,827; Docket No. 0341UR  
Second Declaration of Matthew R. Roth

December 7, 2006

8. Our advertising budget has remained constant during the years 2002, 2003, 2004 and 2005. By the year 2005, 100% of pieces we sold were manufactured in accordance with the Apparatus and Method to Manufacture a Leaf Display Device. 2005 sales were 213% the volume of 2002 sales. In other words, our 2005 sales were more than double the 2002 sales volume.

9. The increase sales are not due to increased advertising, but rather due to the invention of the colorful designs achievable by selecting which surface of a leaf should be visible when the finished leaf display is viewed. As explained above, our advertising has remained substantially constant over the last four years.

10. The reason the pieces made according to the Apparatus and Method to Manufacture a Leaf Display Device technique of selecting which leaf surface should be visible - upper surface or lower surface, each of which surfaces may have shockingly different color(s) and texture(s) - have sold so well is that they are uniquely aesthetically pleasing, and aesthetic appeal is very important in the wreath and garland business.

11. By way of example, many of the broad leaf displays I manufacture are made of magnolia leaves. The upper surface of the Southern Magnolia leaf is a beautiful shiny Sherwood Forrest green color. In startling contrast, the lower surface of the Southern Magnolia tree leaf is a deep chocolate brown color. When the lower surface of a Southern Magnolia tree leaf is placed adjacent a Southern Magnolia leaf with its upper surface showing, the contrast is electric: the two colors complement each other and achieve a stunningly synergistic visual effect. The two colors almost vibrate when seen together, side-by-side.

12. We've further refined our leaf selection by using the Magnolia Grandiflora "DD Blanchard" cultivar. We believe this species has the richest color contrast of any Southern

U.S. Utility Patent Application 10/673,827; Docket No. 0342UR  
Second Declaration of Mathew R. Roth

December 7, 2006

Magnolia, and the visual appearance of the deep green upper surface superimposed on the copper brown lower surface is stunning. We've been so commercially successful with this invention, that is, displaying the upper surface of some leaves and the lower surface of others, that we've invested in more than 20,000 Magnolia Grandiflora "DD Blanchard" trees, which we currently are growing on our farm.

12. Time and time again my customers have told me that this shocking superposition of colors is the reason that they're buying so many leaf displays I manufacture.

13. A wide variety of patterns can be created by selecting where the chocolate brown of a lower leaf surface should be visible against the shining deep green of the upper leaf surfaces. For example, upper and lower surfaces could be alternately visible along a length of the display. Or one lower surface could be turned up for every two upper surfaces visible. Still another option is to create one pattern on one side of a stem, and another pattern on the opposite side. The two patterns (one on each side of the stem) could be complementary, or mirror images, or opposite each other in color scheme. The possibilities are endless, and all stem from my invention of selecting which surface (lower or upper) of each leaf should be visible.

14. Because so many customers have complemented the intricate and attractive designs I've created by selecting which leaves should face up and which leaves should face down, and because so many customers have re-ordered for that reason, my commercial success with this innovation (creating leaf displays wherein some leaves artistically face up and some down) is due to the manufacturing step of selecting which surface of each leaf should be visible when viewed by the customer.

Best Available Copy

U.S. Utility Patent Application 10/673,827; Docket No. 0342UR  
Second Declaration of Mathew R. Roth

December 7, 2006

15. The reason my invention has sold so well is the novel and pleasing visual effect achieved by manufacturing leaf displays having some leaves facing up, and some down, thereby achieving intricate and artistic color patterns in the leaf displays.

16. The increased sales are not due to increased advertising, as explained above, nor to my position in the market – my company doesn't supply more than 1% of the wreaths sold in the United States.

17. The reason my wreaths have sold so well is due to their artistic, multi-color patterned design, which creates a unique and novel visual impact. And, the aesthetic appeal of the pieces is one of the most important aspects valued by customers when they decide which wreath to buy.

18. Many attempts have been made within the industry over the last ten years to manufacture more beautiful wreaths and garlands. One improvement has been the use of combinations, whereby other plants and plant products such as hydrangea and seed pods are built into the piece. Another approach within the industry has been to add other plants and plant products as visual and structural focal points within individual pieces. Still a third approach has been to improve packaging, in order to eliminate shipping damage to wreaths and garlands which would detract from their aesthetics.

19. Despite numerous efforts within the industry to come up with wreath and garland improvements during the last ten years, no competitor has been able to develop step of selecting which leaf surface should be visible for each leaf to create aesthetically pleasing designs and patterns, as taught by the instant Apparatus and Method to Manufacture a Leaf Display Device.

20. Our competitors are still trying to find a way to produce wreaths and garlands as aesthetically pleasing as our pieces made in accordance with the Apparatus and Method to Manufacture a Leaf Display Device invention.

U.S. Utility Patent Application 10/673,827; Docket No. 03421UR  
Second Declaration of Mathew R. Roth

December 7, 2006

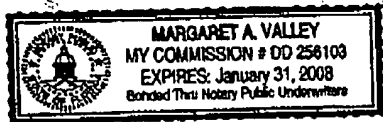
21. I make the statements contained in this of my own free will, without coercion. I am willing to testify, and if called to do so, will testify as to the veracity of the statements contained in this Declaration. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

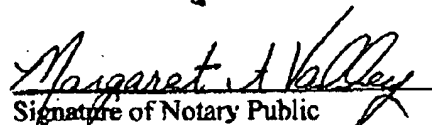
FURTHER DECLARANT SAYETH NAUGHT.

  
Mathew R. Roth

Sworn to and subscribed before me this <sup>7<sup>th</sup></sup> 12 day of December, 2006, by \_\_\_\_\_  
Mathew R. Roth

SEAL



  
Signature of Notary Public

Personally known X OR produced identification \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

Best Available Copy